IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.41 OF 2005

Ankit Rajendra Agarwal .. Petitioner
Versus
State of Maharashtra & Anr. .. Respondents

Shri Shirish Gupte Sr.Advocate i/b Mehta & Girdharlal for petitioner.

Shri D.S.Mhaispurkar, APP for State

Shri Rajender Singh for Respondent No.2.

CORAM : R.M.S.KHANDEPARKAR &
P.V.KAKADE, JJ.

DATE : 9TH FEBRUARY, 2005.

P.C.:

1. Heard.

2. By the present petition the petitioner seeks to quash the FIR and C.R. No.2 of 2002 and Criminal case No.605/P of 2003 pending before the 15th Court of Learned Magistrate, Mazgaon, Mumbai on the ground that the parties have amicably settled their dispute and the

complainant has no more grievance against the Petitioner. The respondent No.2 who had lodged the complaint-FIR has filed the affidavit confirming the fact that the compliant was filed on account of misunderstanding of the complainant and he has no grievance against the Petitioner-accused and therefore, he has no objection for quashing of the FIR and proceedings under the said Criminal case. The learned advocate appearing for Respondent no.2 has also confirmed that respondent no.2 is no more interested in proceeding against the said accused.

3. We have also confirmed from the learned APP that apart from the present case there is no other case pending against the petitioner. Such a verification was found necessary in view of the allegations in the original complaint by the respondent no.2. The learned APP also confirmed that earlier there was one more complaint filed against the petitioner. However, on investigation it was revealed that there is no substance and ‘B’-summary was ordered.

4. In view of that the parties have amicably settled the dispute and more particularly that the

complainant has filed the affidavit stating that the original complaint against the petitioner was filed under misunderstanding, we do not find any justification for proceeding with the matter against the petitioner and the case being made for quashing the FIR against him as also subsequent criminal proceedings against him, the petition is allowed in terms of prayer clause (a), as far as it relates to the petitioner alone. The FIR and C.R.No.2 of 2002 and C.C. No.605/P of 2003 on the file of 15th Court of the Learned Magistrate, Mazgaon, Mumbai as far as it relates to the petitioner alone stands quashed. The Petition stands disposed of with no order as to costs. This order shall not affect in any manner the proceedings against the other accused in the said FIR or the Criminal Case.

(R.M.S.Khandeparkar, J.)

(P.V.Kakade,J.)